

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
AND JOINT AGENDA ITEM WITH THE COMMON COUNCIL  
Whitewater Municipal Building Community Room  
March 10, 2014

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL  
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

**Call to order and roll call.**

Chairperson Meyer called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

Present: Greg Meyer, Lynn Binnie, Bruce Parker, Cort Hartmann, Kristine Zaballos, Karen Coburn, Dan Comfort. Absent: None. Others: Wallace McDonell (City Attorney), Latisha Birkeland (City Planner).

**Hearing of Citizen Comments.** There were no citizen comments.

Chairperson Meyer asked to move item #5A to the beginning of the agenda. Moved by Hartmann and Comfort to move item 5A prior to items 4 and 5. Motion approved by unanimous voice vote.

**Review of Reeb/Fairhaven annexation petition for property on County Highway U and recommendation to the Council.** City Attorney McDonell explained that this is a petition for direct annexation for a property on Highway U adjacent to the Fairhaven property "Prairie Village". It is a Council decision to be made a part of the City. They have asked that the Plan Commission review and make recommendation to the Council.

Paul Kuenning, Executive Director for Fairhaven Senior Services, explained that their nursing facility is 50 years old and they are looking for future redevelopment of that facility.

Chairperson Meyer opened for public comment. No comments. Chairperson Meyer closed public comment.

City Attorney McDonell stated that because of the request to move things along, the property would not be assigned zoning, but by default the property will become AT (Agricultural Transition). Plan Commission will review for a change in zoning at a later date. McDonell gave an explanation of AT Zoning.

Moved by Meyer and seconded by Comfort to make recommendation to the City Council to approve the petition for direct annexation for the property on Highway U adjacent to the Fairhaven property. Aye: Meyer, Parker, Hartmann, Zaballos, Coburn, Comfort. No: None. Abstain: Binnie. Motion approved.

**Approval of the Plan Commission Minutes.** Moved by Zaballos and seconded by Coburn to approve the Plan Commission minutes of February 10, 2014. Motion approved by unanimous voice vote.

**Public hearing for consideration of a conditional use permit for the conversion of a single family residence into a duplex, adding a 2 story, 376 sq. ft. addition at 1128 W. Florence Street for DLK Enterprises.** Chairperson Meyer opened the public hearing. City Planner Latisha Birkeland explained that the Plan Commission received updated comments from Strand Associates (City Engineer). Strand's recommendations should be a part of the Plan Commission decision. This is a conversion of a single family residence into a two family residence. There will be three bedrooms in one unit and four bedrooms in the other unit. The proposal meets all the requirements of the R-3 (Multi-family) Zoning District including lot size, height requirements, setbacks etc. The applicant has provided designated open space and landscaping. There will be a fence on the east and west sides of the property to prevent light spillage. The trees along the rear of the property will provide a buffer there. The rear yard abuts a property also owned by the applicant.

Mike Kachel, DLK Enterprises, explained that the house will have a smaller footprint. It will only use about 4 feet of the garage area. The remaining 12 feet will provide space for the driveway to the back yard parking area. The house had a covered walkway to get to the garage which will be removed to put in footings and walls. They have changed the proposed color of the home from tuscany olive to wicker (lighter than beige). The home will have white trim. The existing siding will be replaced so all the siding will match. The driveway will move to the east around the home, but will remain the same at the curb.

Plan Commission members voiced concerns of: having a cover over an exterior stairway; sidewalk going to the stairs; dumpster; utilize the existing driveway approach?; jump platform; addressing Mark Fisher's recommendations.

Mike Kachel explained that there would not be a covered stairway because it causes more issues with snow and ice. The steel stairs are not solid stairs, the snow does not stick. There will be a sidewalk going to the stairs. This property does not need to have a dumpster. It will have toters. They will not be changing the driveway approach. The jump platform must be within 14 feet of the ground. This one will be. The concern of the stairs blocking the kitchen window, the kitchen has another window on the east side.

City Planner Birkeland stated that all the items presented by the Engineer must be met. The project is contingent upon it.

Chairperson Meyer opened for public comment.

Chris Grady, 318 W. North Street, wanted to know what street this project was on.

It is on W. Florence Street.

Chairperson Meyer closed public comment.

Moved by Binnie and Zaballos to approve the conditional use permit for the conversion of a single family residence into a duplex at 1128 W. Florence Street for DLK Enterprises Inc., as it is in an area for increased density, subject to recommendations of the City Planner and City Engineer. (See attached conditional use permit.) Aye: Meyer, Binnie, Comfort, Coburn, Parker, Zaballos, Hartmann. No: None. Motion approved.

**Public hearing for consideration of a conditional use permit for the construction of a 24 unit apartment building (includes parcel #'s WUP 00177, WUP 00177A, WUP 00176, WUP 00175, WUP 00172B and BH 00012) at 158 N. Prince Street for DLK Enterprises Inc.**

Chairperson Meyer opened the public hearing. City Planner Latisha Birkeland noted that the updated review by Mark Fisher, City Engineer, and the updated site plan were given at the meeting. The certified survey map is to combine lots into a single lot. Lot 2 of the certified survey map is separate. The property located at 151 N. Lindsey Court is also separate. It is not owned by DLK. This proposal is for a 24 unit (82 bedrooms), 3 story apartment building. It is located in an R-3 Zoning District. More than 4 units require a conditional use permit. The project meets all setbacks, lot size etc. The retention area has been moved to other areas in order to meet the open space requirements. Sidewalks have been added, the parking has been met. Each individual lot meets parking requirements. There is a cross access/joint dumpster easement agreement. Staff has reviewed the plans. Chuck Nass has no issue with the landscaping plan. Building Inspector Greg Noll had no issues. Fire Chief Don Gregoire requested a Knox box. There was enough access for the emergency vehicles to get to the buildings. City Engineer Mark Fisher had some utility items.

Plan Commission Member Parker stated that the center bay, in the area closest to Lindsey Court and Florence Street, at the west end of the five stalls, there should be a landscape island.

Mike Kachel stated he would install the landscape island if it is required.

Plan Commission Member Binnie stated that the proposal is just over the required amount of parking stalls. If the code did not require that many stalls, with the concern of stormwater, would the developer still provide them. In the past the Plan Commission has required one stall per bedroom.

Mike Kachel stated that the R-3 Zoning District requirements allow up to five persons per unit if at least 3 bedrooms. He is providing 98 stalls which is 2 over the requirement. Kachel explained that in his 8-unit buildings, 73 to 80 % purchase parking spaces. He could have 120 people in this building. If 80% purchase a permit, that would be 96 spaces.

Plan Commission members voiced concerns of: inside stairways; entrance doors at grade; will the driveway for 132 N. Prince Street remain?; the plan meets all requirements?

Mike Kachel explained that the inside stairways are at the end of the building. The building will be sprinklered, concrete block and brick, steel, sheetrock and plaster throughout. Three of the entrance doors do not have steps for ADA compliance. The driveway at 132 N. Prince Street

will be removed. This will allow for 5 to 6 parking stalls on the street on Prince Street and there are 2 additional stalls on Florence Street. Latisha stated that the proposal meets all requirements. It will meet the stormwater requirements as long as it is compliant with the Engineer reports.

Chairperson Meyer opened for public comment.

Sherry Stanek, 415 S. Douglas Court, stated that this is a good job and just what we need. She wanted to know if the landscaping would be maintained. Mike Kachel replied that it would.

Chairperson Meyer closed the public comment.

Moved by Hartmann and seconded by Comfort to approve the conditional use permit for the construction of a 24 unit apartment building at 158 N. Prince Street for DLK Enterprises Inc. subject to all the recommendations of the City Planner and City Engineer. (See attached conditional use permit.) Aye: Meyer, Binnie, Comfort, Coburn, Parker, Zaballo, Hartmann. No: None. Motion approved.

There was a 10 minute break before item #6 (Zoning Rewrite).

City Council joined the Plan Commission for this item. City Clerk Michele Smith took roll call. Present: Frawley, Abbot, Winship, Binnie, Singer, Bregant, Kidd. Absent: None. Others: Dr. Larry Witzling (Zoning Rewrite Consultant), Pat Cannon (CDA Director), Cameron Clapper (City Manager) and Michele Smith (City Clerk).

**Public hearing to consider changes to the City of Whitewater Zoning Ordinance regulations, to enact proposed amendments to the City of Whitewater Municipal Code. The proposed amendments are considered a rewrite of Title 19, the City of Whitewater Zoning Ordinance. The amendments to be considered at this hearing are primarily related to Residential Sections of the Zoning Code. Changes include, but are not limited to, amendments to, or creation of, the following chapters in Title 19 (chapters: 19.06 General Provisions; 19.09 Definitions; 19.12 Zoning Districts; 19.15 R-1 One-Family Residence District; 19.16 R-1X District; 19.18 R-2 One and Two-Family Residence District; 19.19 R-2A Residential Occupancy Overlay District (new District); 19.21 R-3 Multifamily Residence District; 19.22 R-3A University Residential Density Overlay District (new District); 19.24 R-4 Mobile Home District; 19.25 R-O Non-Family Residential Restriction Overlay District; 19.28 B-1A University Mixed-Use Neighborhood Overlay District (new District); 19.31 B-2A Downtown Housing Overlay District (new District); 19.39 PD Planned Development District; 19.49 Wellhead Protection; 19.51 Traffic, Parking and Access; 19.54 Signage Regulations; 19.55 Wireless Telecommunications Facilities; 19.57 General Performance Standards; 19.58 Noise Restrictions; 19.63 Plan Review; 19.66 Conditional Uses; 19.69 Changes and Amendments; 19.72 Board of Zoning Appeals; 19.75 Administration and Enforcement.** Council President Singer opened the public hearing. Singer explained that there were signup sheets for people who wanted to speak. They would be limited to three minutes and only allowed to speak once.

Councilmember Binnie asked that Dr Witzling and Latisha give an overview of significant changes that have been made.

Dr. Larry Witzling stated that the most significant changes are the overlay districts. The R-O Overlay District is an existing ordinance and there have been no significant changes to it. There have been several other overlay districts added to the code. The most important thing about the overlay districts is that no property is being rezoned with these districts. The ordinance would give the property owners in these districts the opportunity to request to rezone in that area. The only overlay district that creates a decrease in the number of occupants is the R-O Overlay Zoning District and that can be done anywhere in the City. Other substantial changes were clarifications, clarification of occupancy and number of bedrooms, Planned Development District (one option was highly restrictive, the other not very restrictive – chose to do one in the middle). Adding Zoning Districts: R-3A which is a higher density student housing; R-2A is more complicated which involves possible conversion to rentals for owner occupied residences. B-2A has two underlying zonings, B-2 and R-2. Owners can apply for overlay zoning. Just because they apply doesn't mean they will get it, but they can apply.

Councilmember Binnie stated that a point of clarification should be made that in the draft, an overlay request may be made by the property owner/agent, by a City Council member or by the City Manager.

Dr. Witzling explained that for the R-O Overlay District, no party other than the property owner may initiate the action of imposing the R-O Overlay on any particular property if such a petition has been made within the previous twelve months. 19.69.020 further states that the change or amendment may be initiated by the City Council, Plan Commission, or by a petition of one or more of the owners, lessees, or authorized agents of the lessees of property within the area proposed to be changed. The intent was that the R-O Overlay reduces the flexibility of the property, while all other overlays increase the intensity of the property.

City Attorney McDonell explained that it would be the same procedure as 19.69 with initiation to be done by either the owner, City Council or City Manager. The only limitation is that within 1 year, the owner of the property is the only one to be able to initiate the request.

Councilmember Winship explained that if an area wants an R-O Overlay, 90 % of the property owners want it and the City Council approved it, then it covers all properties in the area.

City Attorney McDonell stated that it would cover all properties in the area. If someone does not want it, it can be imposed upon that property.

Dr. Witzling stated that the other overlay districts can be done one property at a time. As the City moved forward in the overlay districts, they might change depending upon how it works. An area may be increased or decreased.

Council President Singer opened the public hearing to the public. All those who wished to speak were given 3 minutes to speak and were to speak in the order they signed in.

Ryan Hughes, 1014 W. Main Street, was pleased that the process has been pushed along. He spoke on the R-3 Overlay. He felt there was a conflict between the permitted uses and the lot area ratio. He would like to have the ratio portion removed and allow the project quality to allow for the increase in density. Put the decision in the hands of the Plan Commission.

Richard Helmick, 227 S. Boone Court, stated that his neighborhood was a model of how rental properties and single family can get along. It was a neighborhood that could still be a neighborhood. Properties are bought for rentals for business, but the owners live somewhere else. If a developer can make money on a property, they will develop it. What is sometimes good for business, is not always good for the neighborhood. Helmick would like to see the zoning stay as it is and asked that the Plan Commission and Council stand up for the neighborhood.

Aaron Zaverl, his mom lives at 160 S. Whiton Street, asked if the overlay zoning could be extended to Whiton Street. There are only one or two homes between W. Main Street and W. Highland Street that are not rentals. His mom does not feel safe there anymore and would like the opportunity to sell her home or rent it out so she could move somewhere else.

Ben McCready, 727 W. Center Street, wanted everyone to know that the overlay zoning allows that if you want to change your property you can, but don't have to. His neighborhood has become over 90% student rentals. Four homes became student rentals this past year. The neighborhood will never go back to single family.

Mark Maas, 255 S. Prairie Street, owns one of three family residential homes on S. Prairie Street. At one time, the neighborhood was alive with children, now it is student housing. Their home will not sell as a single family home. And they are not going to stay there.

Brad Ceranske, purchases properties to fix up for good quality students. Students want the home nice inside. If they cannot rent to a number of students, they can't afford to fix the outside. He would like the change and wants the overlays to work for everyone.

Matt Kuehl stated that he had suggested the R-2A at a steering committee meeting. This would give each property owner the greatest flexibility. Most important he wanted to bring up the PCD Zoning. He stated that the PCD gave the City more flexibility. He wants developers to use the PCD. He was concerned that no one argued in favor of the PCD. There were no real good comments of merit.

Mitch Simon stated that he had submitted written comments. His concern is of who should be able to petition for overlay districts. Simon would like the sections modified so that only the property owner can apply. If a property owner wants the added benefits of the overlay district, he can ask and also bear any consequences.

Chris Grady, 318 W. North Street, has concerns over who can and cannot request. In the R-2A, if you have a single family home and there is higher density all around you, you don't have much option. There need to be rules to follow. Also a concern is the parking issue, when a house is bought for rental property and they blacktop the entire back yard, it takes away from the value of

neighboring properties. Grady felt that even though the steering committee could not agree on the parking issue doesn't mean that Council and Plan Commission can't act on it.

Jonathan Fera, 143 N. Tratt Street, from the U.W.-Whitewater Student Government on behalf of the student body, expressed his concern for nice affordable student housing. Fera felt that the stigma of being unruly college students is extremely unfair. He apologized to anyone who may have dealt with issues of disruption in the community or property damage due to college students. He asked the community to not let a few bad apples spoil the bunch. Expansion of student housing will benefit the community and property owners by making affordable and nice housing. Students contribute to the economy and the community. They deserve to have a place that has nice affordable housing that allows them to continue to be a part of the community.

Glenn Hayes, 135 N. Esterly Ave., in reference to the R-3 on the south side of W. Main Street, was curious as to why the increase in the area for density and parking. He was concerned about having increased density across the street from R-1 residential neighborhoods. Hayes requested to see some examples of communities that have multi-family across the street from single family residential neighborhoods.

Dr. Witzling explained that the increase in density is done where people can walk to business easily and promote the economy. There are many communities that have multifamily across the street from single family residential areas.

Carol Christ lives at 445 W. Center Street which is a historical home. Christ was concerned of property values when the density is allowed to be increased. The possibility for increased density encourages student rental properties. It is a shame to see the historical homes go by the wayside.

Dr. Witzling explained that the properties in the overlay districts may have the potential to remodel increasing the number of bedrooms depending on the structure. This process requires a conditional use permit.

Bob Freiermuth explained that he started here as a student. Whitewater is a great community. He has been here for 24 years. Residents and students need to learn to co-exist. University Students are a large vibrant youthful group. The property values in Whitewater go up higher than other communities because the students live here. We retain the value in large part due to the students.

Jeff Knight served on the Zoning Rewrite Committee and the Community Development Authority. He wanted to address a couple important and crucial items for Plan Commission and Council as they move forward. A number of years ago the CDA looked at the area and tried to get some development there. There was a study done for blight in the community. There were many areas where the student rental properties were better maintained than the single family owner occupied homes. The R-2A is an important step. It is better for the community. Given the market conditions at this point in time, a five bedroom home can be only be sold as a 3 bedroom rental. A landlord can't get loans they need or money they need to fix up. The City will do more for the R-2A area to save some of the properties by moving forward with the zoning

rewrite. By removing parking from the zoning rewrite, which was a City Council decision, the City won't accomplish anything in the R-2A or high density student area on the west side. High density also means you need to reduce the footprint and required amount of parking, 15 to 20% less than has been allowed. Then the City can move forward with good housing that is not spread all over the community.

Art Stritzel, 511 N. Tratt Street, explained that in the R-O Overlay area, there have been 8 to 10 homes for sale in the last three years that can't move. The homes are too far from the public schools. Houses that can be used for student rentals, have a good foundation and floor structure, are sold right away. In the proposed R-2A Overlay District, the houses will sell fast and at a higher rate because the owner can get the rents out of it.

Sherry Stanek, 415 S. Douglas Court, explained that 4 years ago, the City adopted a Comprehensive Plan. In the first paragraph it states that we need to have housing that suits both the student population and preserves our family neighborhoods. This is not anti-student. Most students are great. The bigger issue is that we have ordinances that govern everything, but they are not being enforced. There are bad landlords who don't maintain their property, the same garbage is on the side of the home for the entire winter etc. The students pay a pretty penny to rent these properties, but there is no incentive for the students to take care of them. There should be increased density near the university with housing designed for students and for pedestrian traffic. We also need family neighborhoods here. We need to look out for the taxpaying home owners here that are doing things right.

Council President Singer closed the public hearing.

City Council and Plan Commission went through the residential sections of the Zoning Rewrite making clarifications, changes or additions including PD (which covers all Planned Development, residential, commercial and a mixture); fencing (finished side goes to the outside); gates on fencing for swimming pools; maximum 40% coverage (paving) of each yard area; clarifying window sign; show graphics in code; R-2 duplexes; who may initiate overlay zoning; and the City will need to look at updating the Comprehensive Plan and neighborhood revitalization.

Plan Commission recommended to take “, or by fifty percent (50%) if the new housing units are created as a result of the conversion or remodeling of a preexisting building” out of the park fee section of the residential sections of the zoning rewrite.

There will be a stormwater review and parking summit at a later date.

There were several motions by the Plan Commission for their recommendation to the City Council.

Moved by Binnie to add language after the designation of non-family households in each Zoning District that reads: “, unless otherwise modified by overlay districts.” Aye: Meyer, Zaballos, Parker, Coburn, Hartmann, Binnie, Comfort. No: None. Motion approved.



Moved by Meyer and seconded by Zaballos to keep two family new construction as a permitted use and conversions from one family residence to two family residence as a conditional use. Aye: Meyer, Zaballos, Parker, Coburn, Hartmann, Binnie, Comfort. No: None. Motion approved.

Moved by Binnie and seconded by Zaballos to recommend to City Council to keep the language in R-2A 19.19.030 and adding Councilmember Winship's amendment of the completion of a Weatherization Field Inspection Report for any occupancy over 3 unrelated. Aye: Meyer, Zaballos, Parker, Coburn, Hartmann, Binnie, Comfort. No: None. Motion approved.

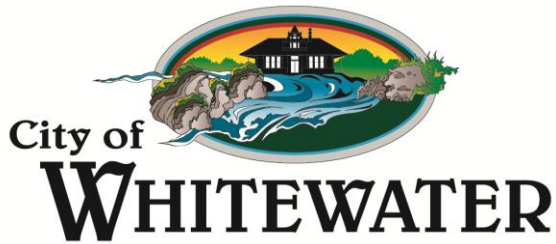
The public hearing is over. Notices do not need to be sent out to the property owners in the R-O Overlay areas for the next meeting.

This meeting will continue on March 18<sup>th</sup> at 6:30 p.m. where we will pick up on the R-3 Zoning District. This meeting will be at the University.

Moved by Meyer and seconded by Coburn to suspend the meeting until 6:30 p.m. on March 18<sup>th</sup>. Motion approved by unanimous voice vote. The meeting suspended at approximately 10:00 p.m.

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Chairperson Greg Meyer



Neighborhood Services Department  
*Planning, Zoning, Code Enforcement, GIS  
and Building Inspections*

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## CONDITIONAL USE PERMIT

Plan Commission Meeting Date: March 10, 2014  
Property Owner: DLK Enterprises Inc.  
Applicant: DLK Enterprises Inc.  
Property ID Number: /WUP 00158F  
Property Address: 1128 W. Florence Street  
Whitewater, WI 53190

**REGARDING:** An approval for a conditional use permit (CUP) to allow for the conversion of a single family residence into a duplex, adding a 2 story, 376 sq. ft. addition at 1128 W. Florence Street for DLK Enterprises Inc.

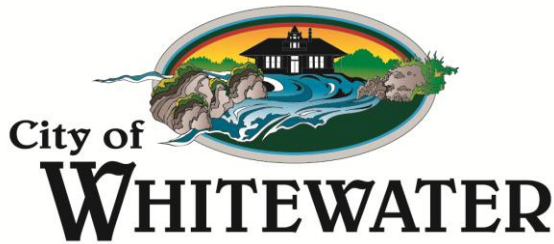
Approved subject to the following conditions:

1. The site grading plan has been submitted to the City Engineer. Approval must be given by Mark Fisher prior to building permit issuance. The applicant shall comply with all other City engineer requirements.
2. The applicant shall make the building and site renovations in accordance with the plans submitted to the City of Whitewater dated 2/24/2014 with all applicable changes.
3. The applicant shall comply with all required local, state and federal codes.
4. All landscaping shall be installed no later than six months from date of Certificate of Occupancy.

This permit was prepared by:

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Latisha Birkeland  
Neighborhood Services Director / City Planner



Neighborhood Services Department  
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## CONDITIONAL USE PERMIT

Plan Commission Meeting Date: March 10, 2014  
Property Owner: DLK Enterprises Inc.  
Applicant: DLK Enterprises Inc.  
Property ID Number: Includes /WUP 00177, /WUP 00177A, /WUP 00176,  
/WUP 00175, /WUP 00172B and /BH 00012  
Property Address: 158 N. Prince Street  
Whitewater, WI 53190

**REGARDING:** An approval for a conditional use permit (CUP) permit for the construction of a 24 unit apartment building (includes parcel #'s WUP 00177, WUP 00177A, WUP 00176, WUP 00175, WUP 00172B and BH 00012) at 158 N. Prince Street for DLK Enterprises Inc.

Approved subject to the following conditions:

1. The applicant shall make the building and site renovations in accordance with the plans approved by the Plan Commission dated 2/26/2014 and 3/4/2014.
2. The applicant shall make the building and site renovations in accordance with the City Engineer's recommendations.
3. All plans shall comply with all required local, state and federal codes.
4. Knox Box to be installed on the new building per the Fire Chief.
5. All approved landscaping shall be installed no later than six months from date of Certificate of Occupancy.
6. Prior to the issuance of a building permit, the applicant shall:
  - a. Address all outstanding issues related to stormwater management
  - b. Submit specifications for the retaining wall abutting 151 N. Lindsey Court and comply with all City Engineer requirements
7. Prior to the issuance of the Certificate of occupancy, the applicant shall:
  - a. Establish the parking lot in accordance with the submitted plans and in accordance with 19.51.100 Landscape islands for parking bays. Include a bump out

along the south side of the parking lot behind 132 N. Prince Street.

b. Extend the wood fence along 151 N. Lindsey Court to the front line of the home.

### **Certified Survey Map**

1. The CSM shall be recorded prior to the occupancy of the apartment building that is authorized through the City conditional use permit and site plan approval for the same property.

This permit was prepared by:

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Latisha Birkeland  
Neighborhood Services Director / City Planner